

Notice of Allowability

Application No.

09/782,608

Applicant(s)

SMITH, MILTON

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 2 November 2005; telephone interview of 28 November 2005.
2. ☒ The allowed claim(s) is/are 1 - 12, 15 - 47, all other claims canceled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

1 December 2005

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Rhodes on 28 November 2005.

3. The application has been amended as follows:

In the Claims:

Claims 13, 14 have been canceled.

The cancellation of these claims obviates the difficulty that had remained under 35 USC 101.

4. The following is an examiner's statement of reasons for allowance:

In reconsidering the independent claims 1, 15, 24, 41, previously indicated as allowable over the prior art, the Examiner has taken into account additional prior art, now made of record on the attached form PTO-892. The independent claims continue to be found allowable over the art of record.

4.a. The notion of reading in image information in one format, performing user operations upon that data after its conversion to a common format, and writing such information to a destination in a second format (as in independent claims 1, 15) might at initial appearance sound similar to the operation of image processing software such as the example of Corel Photo-Paint. In the Photo-Paint User's Manual, it is indicated that You can open 256 Color pictures in the following formats: BMP, GIF, PCX, TARGA,

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and TIFF, and You can save 256 Color pictures in the following formats: BMP, EPS, GIF, PCX, TARGA, and TIFF (page 3). Within its own native format, CorelPHOTO-PAINT combines impressive painting tools with powerful photo retouching capabilities in one easy to use Windows application (page 1). Pages 109, 110 have more detail about Supported Picture File Formats.

However, Photo-Paint does not produce “converted image files that correspond to a common image file format” (claims 1, 15)—there is merely some working copy in RAM of the data presented within the Photo-Paint interface, and not a “file” as such. Also, while Photo-Paint permits user entries to edit picture files, once they’ve been opened, these do not read upon applicant’s “user-generated service requests” (claims 1, 15), these having been established in the present invention as being for “service” upon user “image file” information, and not interactive user manipulations as per Photo-Paint.

As per independent claim 24, Photo-Paint does not teach or suggest, by having a capacity to allow user image editing, “creating a text order file” that includes “service requests”, this including “a unique order identifier”, nor is the embodiment of Photo-Paint reasonably read upon a “kiosk”.

The matter of obtaining “service requests”; producing “a text order file,” in independent claim 41 is also not taught nor suggested by the mere input of commands in Photo-Paint. Also, since Photo-Paint does not disclose an actual “file” for the working copy, a “common image file format of the one or more processed image files” is not

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seen, since there are no “processed image files” to be converted into “output image files”.

4.b. As regards the acquiring of “user-generated service requests” and the production of an “order file”, the Examiner noted in a final and updating search that Kinjo (US #6,967,737 B2) teaches a PRINT ORDERING METHOD, PRINTING SYSTEM AND FILM SCANNER in which a photofinisher reproduces the original image data from the compressed image data (Abstract). However, Kinjo does not enter into details of the “file format” conversion used in such reproduction (claims 1, 15, 41), and the implementation of a “common image file format”. Kinjo also does not teach that such “images” are directed via “a unique order identifier” “used by the second processing device to create a unique directory...for storing the one or more images and the text order file” (claim 24).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application

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related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173**

1 December 2005